

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

v.

\$445.00 IN U.S. CURRENCY,

Defendant.

CIVIL NO. 19-

VERIFIED COMPLAINT FOR FORFEITURE IN REM

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, Rosa Emilia Rodríguez-Vélez, United States Attorney for the District of Puerto Rico and Héctor E. Ramírez-Carbó, Assistant United States Attorney, Chief Civil Division, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

1. This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Sections 841(a)(1), 881(a)(6).

DEFENDANT IN REM

2. The defendant currency seized by an officer of the United States Customs and Border Protection ("CBP") and the Immigration and Customs Enforcement-Homeland Security Investigations ("ICE-HSI"), consists of \$445.00 in U.S. currency.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over an action commenced by the United States pursuant to Title 28 United States Code, Section 1345; over an action for forfeiture pursuant to Title 28, United States Code, Section 1355; and over this particular action pursuant to Title 21, United States Code, Sections 841 and 881.
4. This Court has in rem jurisdiction over the defendant currency pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1355(b)(1)(B) (the defendant currency is found in this district).
5. Venue is proper in this district pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1395 (the defendant currency is found in this district).

BASIS FOR FORFEITURE

6. This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Section 841 (Unlawful acts) and Section 881(a)(6) (all moneys, negotiable, instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter).

FACTS

7. The facts and circumstances supporting the seizure and forfeiture of the defendant currency are contained in the Title 28, United States Code, Section 1746 unsworn declaration of the

Immigration and Customs Enforcement-Homeland Security Investigations ("ICE-HSI"),
Special Agent, Pedro N. López attached hereto, and incorporated herein as if fully stated.

CLAIM FOR RELIEF

WHEREFORE, the United States of America prays that a warrant of arrest for the
defendant currency be issued; that due notice be given to all parties to appear and show cause why
the forfeiture should not be decreed; that judgment be entered declaring the defendant currency
condemned and forfeited to the United States of America for disposition according to law; and that
the United States of America be granted such other and further relief as this Court may deem just
and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 26th day of July, 2019.

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney

s/Héctor E. Ramírez-Carbo

Héctor E. Ramírez-Carbo

Assistant U.S. Attorney

Chief Civil Division

USDC-PR-NO. 214902

UNITED STATES ATTORNEY'S OFFICE

Torre Chardón, Suite 1201

350 Carlos Chardón Street

San Juan, Puerto Rico 00918

Phone Number: (787)766-5656

Hector.E.Ramirez@usdoj.gov

VERIFIED DECLARATION

I, Héctor E. Ramírez-Carbó, Assistant U.S. Attorney, Chief Civil Division for the District of Puerto Rico, declare under penalty of perjury as provided by Title 28, United States Code, Section 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the ICE-HSI; that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 26th day of July, 2019.

Héctor E. Ramírez-Carbó
Héctor E. Ramírez-Carbó
Assistant U.S. Attorney
Chief Civil Division

VERIFIED DECLARATION

I, Pedro N. López, Special Agent, ICE-HSI, declare as provided by Title 28, United States Code, Section 1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture in Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 26 day of July, 2019.

Pedro N. López
Pedro N. López, Special Agent
Immigration and Customs Enforcement-
Homeland Security Investigations ("ICE-HSI")

UNSWORN DECLARATION UNDER PENALTY OF PERJURY

TITLE 28 UNITED STATES CODE 1746

Pursuant to 28 U.S.C. § 1746, I, Pedro N. Lopez, declare under penalty of perjury that the foregoing is true and correct:

PROFESSIONAL BACKGROUND

The affiant is a Special Agent employed with Homeland Security Investigations (HSI). The affiant has been employed as a Special Agent with HSI since March of 2003. The Affiant attended the Criminal Investigator School and the Customs Basic Enforcement School at the Federal Law Enforcement Training Center. The affiant also attended the Immigration Cross- Training for legacy Customs Agents in Guaynabo, Puerto Rico.

The affiant is currently assigned to the HSI Mayaguez office, Mayagüez, Puerto Rico. As a Special Agent my job and responsibilities include conducting investigations of alleged manufacturing, distributing or possession of controlled substances (21 U.S.C. 841 (a)(1)), importation of controlled substances (21 U.S.C. 952 (a)), and smuggling of goods into the United States (18 U.S.C. 545). My duties also include the enforcement of Immigration and Nationality laws and regulations to identify, locate, apprehend, and prosecute those individuals involved in the organized smuggling of aliens across the borders into the United States.

Through investigations and training, the affiant has become familiar with narcotics and alien smuggling techniques, the types and amounts of profits made by drug dealers and methods, language, and terms, which are used to disguise the source and nature of the profits from their activities.

This affidavit is made in support of a Criminal Complaint filed against Roberto YANEZ-RODRIGUEZ for Title 21, United States Code, Section 841, selling and distribution of narcotics, and Title 18, United States Code, Section 924(C)(1)(A) In Possession of a firearm and ammunition, involving drugs or violence.

Because this declaration is submitted for a limited purpose, the undersigned has not included details of every aspect of this investigation. The undersigned is thoroughly familiar with the information contained in this declaration, either through personal investigation or through discussion with other law enforcement officers who have interviewed individuals or personally have obtained information, which they in turn have reported to me.

ITEM TO BE FORFEITED

\$445.00 in U.S. currency.

INVESTIGATION

This case was presented to HSI as a joint operation with PRPD and HSI Mayaguez as part of the Firearms initiative.

1. On May 23, 2019, PRPD Case Agent Edwin Calderon Torres (hereinafter Calderon) received information from an anonymous person indicating that YANEZ-RODRIGUEZ arrived from the city of Boston after having been incarcerated for various crimes, with the intent to take control of drug sales at sector Guerreros, located in Aguadilla, PR. Subsequently, Calderon conducted criminal history checks on YANEZ-RODRIGUEZ and the same revealed that he in fact had various charges for assault and battery; vandalize property, witness intimidation, and other charges.
2. On June 4, 2019, Calderon corroborated information previously provided by the

anonymous person. Calderon met with a confidential source (hereinafter CS) that stated that Robert YANEZ RODRIGUEZ AKA MECO lives at Barrio Guerreros sector las Parcelas Rafael Hernandez, calle Estrella de Aguadilla. The CS described YANEZ RODRIGUEZ as 5'8" tall approximately 25 years old and weighs 185 lbs, black hair with tattoos on his right arm, and both his legs. The CS stated that he/she knew YANEZ RODRIGUEZ for several years. The CS proceeded to show Calderon pictures of YANEZ RODRIGUEZ stored inside his/her cellphone and said that YANEZ RODRIGUEZ intended to control drug sales at sector Guerreros. The CS stated that YANEZ RODRIGUEZ is always armed with illegal firearms and has fired rounds into the air. CS stated that said subject stores firearms and narcotics at his residence and he travels in a 2017 Black in color Honda model HR-V bearing license plate #IWN-454.

3. On June 13, 2019, at approximately 1500hrs, Calderon traveled to and arrived at las Parcelas Rafael Hernandez, Barrio Guerrero de Aguadilla and parked his vehicle with visibility towards YANEZ RODRIGUEZ' residence. At approximately 1535hrs, assisted with binoculars, Calderon witnessed the Honda black in color bearing PR License plate #IWN-454 arrive at the aforementioned residence. Calderon witnessed YANEZ RODRIGUEZ exit his vehicle wearing red short pants and a gray sleeveless tank top type shirt, with his tattoos visibly shown on his right arm and both legs. YANEZ RODRIGUEZ wore a black bag strapped across his chest, he bent down and reached into said vehicle and removed a pistol from under the front driver's seat and stored it inside his black bag. YANEZ RODRIGUEZ closed said vehicle and entered his residence. Several minutes later Calderon witnessed a white male, approximately 25 years old with brown and dark sunglasses wearing a white t-shirt with designs and

beige jeans, arrive at YANEZ RODRIGUEZ' residence riding a bicycle. The subject whistled and several seconds later, YANEZ RODRIGUEZ came from out of his residence, holding a paper bag in his hands and gave it to the mentioned subject. The subject removed from the bag several small transparent baggies also known as decks containing a white powdery substance, the subject returned the small bags into the paper bag and departed on his bicycle. Subsequently, Calderon departed from the location and solicited search warrants for said vehicle and residence and both were granted.

4. On June 17, 2019, PRPD conducted firearms license queries for YANEZ RODRIGUEZ, and the same revealed that he had no license to carry a firearm.

5. On June 18, 2019, the CS informed Calderon that YANEZ RODRIGUEZ left his residence and was headed on his aforementioned vehicle in direction towards a car wash near a gasoline station located on road 465 Barrio Guerrero. PRPD arrived on site and saw YANEZ RODRIGUEZ standing near his car. YANEZ RODRIGUEZ attempted to flee upon law enforcement presence but was subdued and detained. PRPD Agent Edgardo Jusino executed the search warrant for said vehicle. The search inside the truck (is it a truck or a Honda vehicle?) yielded the following: one (1) Drum type 40 caliber magazine with capacity to load 50 rounds, same was loaded with twenty-seven (27) 40 caliber rounds and one (1) black in color Gucci fanny bag, which contained two (2) 40 caliber magazines with capacity of 28 rounds, and one of the magazines was loaded with ten (10) 40 caliber rounds. Inside the vehicle on the front console, seventeen (17) small baggies containing a white powder that field tested positive for cocaine, was discovered along with two (2) additional baggies containing marihuana, which field tested positive for marihuana. In the glove

compartment, one (1) loaded Glock model 22, Pistol 40 caliber, bearing serial number TEW681 and one (1) magazine containing (13) rounds was discovered. In addition, YANEZ RODRIGUEZ had in his possession four hundred and forty-five (\$445.00) dollars in U.S. currency and one (1) cellphone Samsung model Galaxy. The search warrant served at the residence yielded one (1) baggie containing marihuana found on the floor and one (1) baggie containing cocaine found near a shoe box; both baggies were found in his bedroom.

6. Through investigations and training, the affiant has become familiar with the types and amounts of profits made by drug dealers and methods, language, and terms, which are used to disguise the source and nature of the profits from their activities.

The investigation revealed that firearms and ammunition are not manufactured in Puerto Rico and therefore the one seized from, YANEZ RODRIGUEZ must have traveled in interstate or foreign commerce.

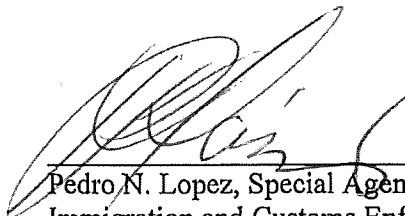
The 2017 Honda model HR-V bearing Puerto Rico License plate #IWN-454, which is suspected to be stolen, is registered to Jose G. Rodriguez Feliciano addressed at Gurabo, Puerto Rico.

7. A query in the criminal records of, YANEZ RODRIGUEZ revealed that he was previously convicted in Springfield Massachusetts for crimes punishable by imprisonment for a term of one year for Assault and Battery and intimidation of court officials.

Based on the facts listed above, there is probable cause to believe the seized currency represents drug proceeds in Puerto Rico in violation of 21 U.S.C. § 881. ICE hereby requests

that the U.S. Attorney's Office for the District of Puerto Rico initiate judicial forfeiture action against the subject property \$445.00 in U.S. currency under 21 U.S.C. § 881.

Signed under penalty of perjury, in San Juan, Puerto Rico this 26th of July 2019.

A handwritten signature in black ink, appearing to read 'P. Lopez', is written over a horizontal line.

Pedro N. Lopez, Special Agent
Immigration and Customs Enforcement-
Homeland Security Investigations ("ICE-HSI")

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Héctor E. Ramírez-Carbó AUSA, 350 Carlos Chardon Ave, Suite
1201, Hato Rey, PR 00918

DEFENDANTS

US v. \$445.00 IN U.S. CURRENCY,

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Title 21, United States Code, Sections 841 and 881.

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

s/Héctor E. Ramírez-Carbó

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____


United States District Court *for the* District of Puerto Rico
CATEGORY SHEET

1. Title of Case (Name of first party on each side only)

US v. \$445.00 IN U.S. CURRENCY,

2. Category in which case belongs: (See Local Rules)

☒ X

ORDINARY CIVIL CASE
SOCIAL SECURITY
BANK CASE
INJUNCTION

CIVIL FORFEITURE

3. Title and number, if any, of related cases (See Local Rules)

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

☐ YES

☒ X NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

☐ YES

☒ X NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

☐ YES

☒ NO

(Please Print)

USDC ATTORNEY'S ID NO.

214902

ATTORNEY'S NAME:

HECTOR E. RAMIREZ-CARBO

MAILING ADDRESS:

TORRE CHARDON, SUITE 1201, 350 CARLOS CHARDON AVE

HATO REY PR

ZIP CODE

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TELEPHONE NO.

787-766-5656